

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
NORTHERN DIVISION

TARLTON JAY FISHER, :  
  
Petitioner, : CIVIL ACTION 2:09-815-KD-N  
v. : CRIMINAL ACTION 2:07-288-KD-N  
  
UNITED STATES OF AMERICA, :  
  
Respondent. :  
  
ORDER

After due and proper consideration of all pleadings in this file, and a *de novo* determination of those portions of the recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

Accordingly, it is ORDERED that Petitioner's Motion to Vacate (Doc. 133) is DENIED. It is further ORDERED that Petitioner is not entitled to a Certificate of Appealability, and therefore, not entitled to appeal *in forma pauperis*.

DONE this 20th day of December, 2012.

s/ Kristi K. DuBose  
KRISTI K. DUBOSE  
UNITED STATES DISTRICT JUDGE